Baltic Sea fisheries: Analysis of the politically agreed multi-annual plan and recommendations for fishing opportunities 2017

30th May 2016

Background

On 15th March 2016, representatives of the European Fisheries Council, Parliament, and Commission reached a provisional agreement for a multi-annual plan (MAP) for certain fish stocks in the Baltic Sea. The Baltic Sea MAP is the first of several plans required under Article 9 of the CFP. The agreement on the Baltic Sea MAP was subsequently supported by the European Parliament's Fisheries Committee and the Council of Ministers and it is expected to enter into force before the end of August 2016.

While the agreed plan contains a number of requirements consistent with the CFP, it introduces, for the first time, "ranges" around the limit fishing mortality point agreed in the reformed Common Fisheries Policy. The plan thus potentially allows continued overfishing beyond 2020 and contradicts one of the key pillars of the CFP. This paper analyses to what extent the agreed Baltic MAP supports or undermines Article 2.2. of the CFP, which stipulates an end to overfishing in the EU where possible by 2015, and by 2020 at the latest for all stocks. It also provides recommendations for the setting of fishing limits (Total Allowable Catches, TACs) in the Baltic for 2017.

Requirements in the agreed Baltic MAP consistent with CFP Article 2

- Article 3.1 of the Baltic MAP confirms the objectives of the reformed CFP, including the requirement to apply the precautionary approach to fisheries management and to aim to ensure that the exploitation of marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield ($B>B_{MSY}$).
- Article 3.3 confirms the CFP objective to apply an ecosystem based approach to fisheries management in order to minimise the impact of fisheries on the wider environment, in coherence with environmental legislation, in particular achieving Good Environmental Status as required under the Marine Strategy Framework Directive.[1]

[1] Also other important CFP objectives are confirmed: Article 3.2 confirms the CFP objectives to eliminate discards, by avoiding and reducing, as far as possible, unwanted catches. Interestingly, while the CFP only says that it shall be "coherent" (=do no harm/do not undermine MSFD), the Baltic MAP Article 3.3 actually uses stronger/more active and more specific language such as "aim to **ensure** that the conditions in descriptor 3 are fulfilled" and "aim to contribute to the fulfillment of other relevant descriptors".

- The $B>B_{MSY}$ recovery objective is again confirmed in Articles 5.2 and 5.3 as the recovery objective if stocks fall below trigger reference points (*"appropriate remedial measures shall be adopted to ensure rapid return of the stock concerned to levels above the level capable of producing maximum sustainable yield"*).
- In normal circumstances, fishing mortality rates shall be fixed up to or at the level of the F_{MSY} point values (Articles 4.2 and 4.3).
- The same management objectives apply to by-catch species (Art. 6.1 refers back to Art. 3)[2].

<u>Outcomes in the Baltic MAP conflicting with CFP Article 2.2</u>

- Targets for fishing mortality include ranges above the F_{MSY} point value (Annex I, column B). Until now, fishing mortality rates above this level were considered overfishing as defined by the limits in the CFP. The Baltic MAP Article 2 and Recital 13 attempt to re-define the ranges above and below F_{MSY} as "range of F_{MSY}", thus blurring the F_{MSY} limit reference point concept and the definition of overfishing.
- While the objective of the Baltic MAP is to restore and maintain species above B_{MSY} levels, fishing mortality rates that would allow that aim to be achieved ($F<F_{MSY}$) are only unambiguously required if the stock biomass is below MSY $B_{trigger}$ levels, which is lower than B_{MSY}. Stocks above MSY $B_{trigger}$ levels can (under vague conditions) be fished above the F_{MSY} point value fishing rates (Baltic MAP Art. 4), which would impede reaching the objective of progressively restoring and maintaining populations of fish stocks above the desired $>B_{MSY}$ levels.
- At least two of the three exceptions allowing overfishing to take place (i.e. the choice of fishing opportunities based on the upper range) provide vague conditions for the application of the exceptions, and it is far from clear how these will be interpreted (Baltic MAP Art. 4.4):
    1. *"When necessary to achieve the Baltic MAP objectives in mixed fisheries"*:
        a. The CFP defines mixed fishery as a fishery "in which more than one species is present and where different species are likely to be caught in the same fishing operation" (CFP Art. 4.1 (36)). It is not clear which fisheries in the Baltic should actually be regarded as such.
        b. It is not clear why overfishing would be needed to achieve the Baltic MAP objectives as defined in Baltic MAP Article 3. For example, the elimination of discards shall be achieved through the landing obligation and discard plans. Tools to facilitate the elimination of discards are for instance quota flexibility, swaps and increased selectivity.
    2. *"When necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics".* The Baltic MAP does not define "Serious harm to a stock". In an ecosystem most stocks have inter-species dynamics, and all stocks have intra-species dynamics.

[2] Baltic MAP Article 6.1: "When scientific advice states that remedial measures are needed to ensure that the Baltic stocks of plaice, flounder, turbot or brill, caught as by-catch when fishing for the stocks concerned, are managed in accordance with the objectives of Article 3.."

- From the two options for fishing mortality ranges included in ICES advice, the Baltic MAP includes the one with less restrictive upper values. ICES computed these ranges for a plan that included a "harvest control rule" in line with the ICES advisory rule[1], i.e. predefined measures that will be taken once biomass trigger points are transgressed. Yet, the agreed Baltic MAP lacks such harvest control rules. Article 5.2 only stipulates "to take into account the decrease in biomass".
- Article 5.3 allows suspending the targeted fishery if a stock falls below B_{lim} levels, but does not require any concrete action within a specific timeframe.

Setting fishing limits in the Baltic for 2017

The reformed Common Fisheries Policy (CFP) governing European Union fisheries entered into force in January 2014. It requires an end to overfishing, with legally binding targets and deadlines. Specifically, Article 2.2 requires that:

> *"In order to achieve the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing the maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks"*.

The CFP allows for postponing this deadline only in exceptional cases, when meeting it "would seriously jeopardise the social and economic sustainability of particular fleets" (Recital 7).

Despite more than two years having passed since the reformed CFP entered into force, progress to incrementally and progressively end overfishing has been limited in the Baltic. In 2015, Council set six out of ten TACs above scientific advice. These were the TACs for both cod stocks, salmon in subdivision 32, sprat, Gulf of Riga herring and the TAC for Bothnian Sea & Bothnian Bay herring. For some stocks, including Gulf of Riga herring, Council set fishing limits above scientifically advised levels although fishing limits had already been previously set not exceeding advised F_{MSY} levels.

Moving further away from MSY exploitation levels, rather than incrementally and progressively approaching them is a clear contradiction of the CFP requirements[3]. Currently, only three out of seven MSY assessed fish stocks in the Baltic are within safe biological limits.[4] The politically agreed multi-annual plan fails to ensure that this situation will improve.

The Pew Charitable Trusts strongly opposes continued overfishing above the F_{MSY} point value fishing rates and urges ministers to set fishing limits below the F_{MSY} limit point. This is also in line with advice from the International Council for the Exploration of the Sea (ICES). In its advice to the Commission[5] ICES stated:

> "*In a single-species context fishing above F_{MSY} implies reduced stock biomass and this may be substantial where F_{upper} is much higher than F_{MSY}. So in utilizing F_{MSY} ranges there are more*

[3] See European Commission: „EU fisheries in the Atlantic, North Sea and Baltic Sea in line with maximum sustainable yield (MSY)", January 2015 and 2016

[4] STECF report - https://stecf.jrc.ec.europa.eu/documents/43805/55543/2016-03_STECF+16-05+Monitoring+performance+CFP+CORRIGENDUM_JRCxxx.pdf

[5] ICES Special Request Advice 2015: EU request to ICES to provide FMSY ranges for selected North Sea and Baltic Sea stocks.

advantages to fishing between F_{MSY} and F_{lower} than between F_{MSY} and F_{upper}. With higher fishing mortalities the following occurs:

- *A need for increased fishing effort;*
- *Higher dependence of stock and yield on recruiting year classes and increased variability on catch opportunities;*
- *The size of the fish in the stock and the catch will be smaller on average;*
- *Greater probability of SSB being less than MSY $B_{trigger}$;*
- *A lower probability of density-dependent effects such as reduced growth or increased cannibalism.*

For some mixed fisheries it may be difficult to reconcile the Fs on different stocks. An approach for maximizing long-term yield could be to attempt to reconcile F on a mixed fishery using Fs between F_{lower} and F_{MSY}."

While scientific advice for the fishing limits has not yet been published by ICES, Pew urges the Commission and Fisheries Ministers to make progress towards ending overfishing in line with the CFP. In particular, we:

- Urge ministers to set TACs which do not exceed scientific advice, including for Western Baltic cod, Eastern Baltic cod, Gulf of Riga herring, Bothnian Sea & Bothnian Bay herring, sprat and salmon in Subdivision 32
- Call on ministers not to resume overfishing for stocks for which fishing limits have already been set last year not exceeding MSY advice;
- Welcome the commitment from fisheries ministers to set the 2017 TAC for sprat in line with MSY.[6]
- Urge ministers to not exceed scientifically advised F_{MSY} point values in any circumstances when setting fishing limits.

In case ministers make use of the F ranges listed in Annex I Column B of the agreed Baltic MAP, despite the well understood negative economic, social and environmental consequences, scientific evidence must be provided to demonstrate that reducing fishing limits would jeopardise the social and economic sustainability of the fleets involved or that the criteria for one of the exceptions provided for in the MAP are met. Such evidence must be submitted to the European Commission before the negotiations on Baltic fishing limits, reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) and made public.

For stocks without MSY assessment, lower fishing opportunities must be set, in line with the precautionary approach.

For more information, please contact:
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[6] Proposal for a Council Regulation fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea – Statements (13404/15).